

SENATE BILL 762

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M1

2004 Regular Session
4lr2756
CF 4lr0618

By: **Senator Astle (Department of Natural Resources Special Funds
Workgroup)**

Introduced and read first time: February 12, 2004

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Natural Resources - Fee Commission - Establishment**

3 FOR the purpose of establishing the Natural Resources Fee Commission; requiring
4 the Fee Commission to examine the fees collected by the Department of Natural
5 Resources and recommend reasonable fee changes; repealing certain fees,
6 minimum and maximum fees, and shellfish taxes charged by the Department
7 for certain privileges; requiring the Fee Commission to consider a certain cost
8 factor in determining a recommended fee change; authorizing the Secretary of
9 Natural Resources to recommend fee changes to the Fee Commission;
10 authorizing the Department to adopt a fee change recommended by the Fee
11 Commission; prohibiting the Department, unless otherwise authorized, from
12 adopting a fee change without a recommendation from the Fee Commission;
13 requiring the Department to adopt any fee change by regulation; providing for
14 the membership of the Fee Commission; requiring the Secretary and the
15 Governor to appoint certain members of the Fee Commission; providing that the
16 Secretary of Budget and Management or the Secretary's designee shall serve as
17 a nonvoting member of the Fee Commission; establishing the term of office and
18 initial staggered terms for members of the Fee Commission; authorizing the
19 reappointment of a member of the Fee Commission; requiring the Secretary to
20 appoint the chairman of the Fee Commission; providing for the meetings of the
21 Fee Commission; providing staff for the Fee Commission; providing for
22 compensation and reimbursement of expenses for a member of the Fee
23 Commission; repealing a provision that prohibits the Department from charging
24 certain fees and that authorizes the Department to establish certain fees under
25 certain circumstances; defining a certain term; clarifying certain language;
26 making certain technical corrections; providing for a delayed effective date for
27 certain provisions of this Act; and generally relating to the establishment of the
28 Natural Resources Fee Commission.

29 BY repealing and reenacting, with amendments,
30 Article - Natural Resources
31 Section 1-106, 4-210(h), 4-210.1(b), 4-211(b) and (c), 4-212, 4-216(b), 4-604(g),
32 4-609, 4-614(a) and (d), 4-701(d), (e), (j), and (o), 4-745(a) and (d),
33 4-803(a), 4-1020(a) and (b), 4-1028, 4-1035, 4-11A-06(b), 4-11A-09(a),

1 4-11A-13, 4-11A-14(b), 4-11A-19(a), 4-11A-20(a) and (b), 4-11A-21(a),
 2 5-419, 5-1801(b), 8-710(b) and (c), 8-710.2(a), 8-712(c) and (f), 8-712.1(b),
 3 8-714(c), 8-716(b), 8-729(b), 8-737(b), 10-2A-06.1(e)(1), 10-301(f),
 4 10-301.2, 10-305, 10-308.1(b), 10-309(d) and (h), 10-413(e), 10-415(c),
 5 10-423.1(b), 10-502, 10-506(b) and (c), 10-512(b) and (c), 10-607(h) and
 6 (j), 10-608(b), 10-902, 10-905(a), 10-906(b), 10-907, 10-908, 10-909(b),
 7 and 10-1003
 8 Annotated Code of Maryland
 9 (2000 Replacement Volume and 2003 Supplement)

10 BY adding to
 11 Article - Natural Resources
 12 Section 1-107
 13 Annotated Code of Maryland
 14 (2000 Replacement Volume and 2003 Supplement)

15 BY repealing and reenacting, without amendments,
 16 Article - Natural Resources
 17 Section 4-210(g)(1), 4-210.1(a), 4-211(a), 4-216(a), 4-604(c), 4-11A-06(a),
 18 4-11A-14(a), 5-416, 8-710(a), 8-712(b), 8-712.1(a), 8-714(a), 8-737(a),
 19 10-2A-06.1(c), 10-506(a), 10-607(b), 10-608(a), 10-906(a), and 10-909(a)
 20 Annotated Code of Maryland
 21 (2000 Replacement Volume and 2003 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article - Natural Resources**

25 1-106.

26 (a) In this article the following words have the meanings indicated.

27 (b) "FEE COMMISSION" MEANS THE NATURAL RESOURCES FEE COMMISSION
 28 ESTABLISHED UNDER § 1-107 OF THIS SUBTITLE.

29 (C) "Informational meeting" means a meeting, open to the public, at which the
 30 applicant or the Department of Natural Resources presents information concerning a
 31 permit or certificate application. An informational meeting is not a contested case
 32 hearing nor an agency hearing under § 10-202(d) of the State Government Article.

33 [(c)] (D) "Public hearing" means a meeting, open to the public, at which the
 34 Department of Natural Resources receives oral and written comments concerning a
 35 decision to issue or deny a permit or certificate. A public hearing is not a contested
 36 case hearing nor an agency hearing under § 10-202(d) of the State Government
 37 Article.

1 1-107.

2 (A) THERE IS A NATURAL RESOURCES FEE COMMISSION IN THE
3 DEPARTMENT.

4 (B) (1) THE FEE COMMISSION CONSISTS OF SEVEN VOTING MEMBERS AND
5 ONE NONVOTING MEMBER, AS FOLLOWS:

6 (I) ONE VOTING MEMBER FROM EACH OF THE FOLLOWING
7 ENTITIES, APPOINTED BY THE SECRETARY:

- 8 1. THE BOAT ACT ADVISORY COMMITTEE;
- 9 2. THE FOREST ADVISORY COMMISSION;
- 10 3. THE WILDLIFE ADVISORY COMMISSION;
- 11 4. THE SPORT FISHERIES ADVISORY COMMISSION; AND
- 12 5. THE TIDAL FISHERIES ADVISORY COMMISSION;

13 (II) TWO VOTING MEMBERS FROM THE GENERAL PUBLIC,
14 APPOINTED BY THE GOVERNOR, EACH OF WHOM:

- 15 1. IS FAMILIAR WITH ISSUES RELATING TO NATURAL
16 RESOURCES; AND
- 17 2. IS A CITIZEN OF THE STATE; AND

18 (III) THE SECRETARY OF BUDGET AND MANAGEMENT OR THE
19 SECRETARY'S DESIGNEE AS THE NONVOTING MEMBER.

20 (2) (I) THE SECRETARY AND THE GOVERNOR SHALL APPOINT
21 MEMBERS TO BEGIN SERVING ON OCTOBER 1, 2004.

22 (II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS
23 PARAGRAPH, A MEMBER SERVES FOR A TERM OF 3 YEARS.

24 (III) THE TERMS OF THE MEMBERS WHOSE TERMS BEGIN ON
25 OCTOBER 1, 2004, SHALL EXPIRE:

26 1. ON OCTOBER 1, 2005, FOR THE MEMBERS FROM THE BOAT
27 ACT ADVISORY COMMITTEE AND THE FOREST ADVISORY COMMISSION;

28 2. ON OCTOBER 1, 2006, FOR THE MEMBERS FROM THE
29 WILDLIFE ADVISORY COMMISSION AND THE SPORT FISHERIES ADVISORY
30 COMMISSION; AND

31 3. ON OCTOBER 1, 2007, FOR THE MEMBERS FROM THE TIDAL
32 FISHERIES ADVISORY COMMISSION AND THE GENERAL PUBLIC.

1 (IV) 1. AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE
2 UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

3 2. A MEMBER WHO IS APPOINTED AFTER A TERM HAS
4 BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS
5 APPOINTED AND QUALIFIES.

6 3. AT THE END OF A TERM, A MEMBER MAY BE
7 REAPPOINTED.

8 (V) THE SECRETARY SHALL APPOINT THE CHAIRMAN OF THE FEE
9 COMMISSION.

10 (3) THE FEE COMMISSION SHALL MEET:

11 (I) AT THE TIMES AND PLACES DETERMINED BY THE SECRETARY;

12 (II) AT OTHER TIMES AND PLACES AS REQUESTED BY THE
13 CHAIRMAN OR A MAJORITY OF THE MEMBERS; AND

14 (III) AT LEAST ANNUALLY.

15 (4) THE DEPARTMENT SHALL STAFF THE FEE COMMISSION.

16 (5) AS PROVIDED IN THE STATE BUDGET, A MEMBER:

17 (I) MAY RECEIVE COMPENSATION; AND

18 (II) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
19 STANDARD STATE TRAVEL REGULATIONS.

20 (C) (1) THE FEE COMMISSION SHALL:

21 (I) EXAMINE THE FEES COLLECTED BY THE DEPARTMENT UNDER
22 THIS ARTICLE; AND

23 (II) RECOMMEND REASONABLE FEE CHANGES TO THE
24 DEPARTMENT.

25 (2) IN DETERMINING A RECOMMENDED FEE CHANGE, THE FEE
26 COMMISSION SHALL CONSIDER THE COSTS OF ADMINISTERING THE PROGRAM
27 SUPPORTED BY THE FEE.

28 (D) (1) THE SECRETARY MAY RECOMMEND FEE CHANGES TO THE FEE
29 COMMISSION.

30 (2) THE DEPARTMENT:

31 (I) MAY ADOPT A FEE CHANGE RECOMMENDED BY THE FEE
32 COMMISSION;

1 (II) UNLESS OTHERWISE AUTHORIZED UNDER LAW, MAY NOT
2 ADOPT A FEE CHANGE WITHOUT A RECOMMENDATION FROM THE FEE COMMISSION;
3 AND

4 (III) SHALL ADOPT ANY FEE CHANGE BY REGULATION UNDER TITLE
5 10, SUBTITLE 1 OF THE STATE GOVERNMENT ARTICLE.

6 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
7 read as follows:

8 **Article - Natural Resources**

9 4-210.

10 (g) (1) The Department may issue a limited fishing guide license that is
11 applicable in all waters of the State to allow a license holder to guide:

12 (i) Anglers in up to 3 boats or vessels that:

13 1. Have 1 or 2 occupants; and

14 2. Are propelled by oars or paddles; or

15 (ii) 1. Except as provided in item 2 of this item, up to 10 anglers
16 fishing from shore or on foot in the water; or

17 2. Any number of anglers who are participating in an
18 educational or recreational program sponsored by a State, local, or municipal
19 government and who are fishing from shore or on foot in the water.

20 (h) (1) The [fee] RESIDENT AND NONRESIDENT FEES for a limited fishing
21 guide license under subsection (g) of this section shall be[:

22 (i) For a resident, \$50; and

23 (ii) For a nonresident, \$100] ESTABLISHED BY THE DEPARTMENT
24 ON THE RECOMMENDATION OF THE FEE COMMISSION.

25 (2) All fees collected by the Department under this subsection shall be
26 used for monitoring the freshwater fishery.

27 (3) The Department shall publicly report annually the amounts collected
28 under this subsection.

29 4-210.1.

30 (a) A person providing fishing guide services for compensation to a person
31 fishing in nontidal freshwater or areas of tidal water designated in subsection (f) of
32 this section for game and freshwater fish shall obtain a freshwater fishing guide
33 license.

1 (b) (1) An applicant for a license shall:

2 [(1)] (I) Submit to the Department an application on the form that the
3 Department requires;

4 [(2)] (II) Pay to the Department an application fee [of:

5 (i) \$20 for residents or \$50 for nonresidents to operate in nontidal
6 freshwater; and

7 (ii) \$50 for residents or \$100 for nonresidents to operate in nontidal
8 freshwater and the areas of tidal water designated in subsection (f) of this section]

9 ESTABLISHED BY THE DEPARTMENT ON THE RECOMMENDATION OF THE FEE
10 COMMISSION; and

11 [(3)] (III) Possess any necessary fishing licenses and stamps.

12 (2) THE DEPARTMENT SHALL ESTABLISH SEPARATE APPLICATION FEES
13 FOR:

14 (I) RESIDENTS;

15 (II) NONRESIDENTS; AND

16 (III) AUTHORIZATION TO OPERATE IN NONTIDAL FRESHWATER AND
17 THE AREAS OF TIDAL WATER DESIGNATED IN SUBSECTION (F) OF THIS SECTION.

18 4-211.

19 (a) (1) Any person who desires to commercially practice the art of taxidermy
20 or who desires to mount or preserve any species of finfish for a person other than
21 himself first shall obtain a taxidermist and fur-tanning license.

22 (2) A taxidermist and fur-tanning license also shall permit the holder:

23 (i) To mount, preserve, or tan any species of wildlife legally
24 acquired; and

25 (ii) Except as provided in paragraph (3) of this subsection, with the
26 written approval of the Department for each specimen, to sell or dispose of any
27 tanned, cured, or mounted specimen legally acquired but unclaimed by the customer
28 within 30 days after written notice to the customer by certified mail.

29 (3) A license holder may not sell or dispose of any tanned, cured, or
30 mounted specimen that is not permitted to be fished in the State.

31 (b) (1) A person desiring a taxidermist and fur-tanning license shall:

32 (i) Apply on forms the Secretary supplies;

1 (ii) Pay [a \$50] AN annual license fee ESTABLISHED BY THE
2 DEPARTMENT ON THE RECOMMENDATION OF THE FEE COMMISSION; and

3 (iii) Provide recent work samples for examination by the
4 Department.

5 (2) Upon receipt of the application and license fee, and examination of
6 work samples, the Secretary may issue the license permitting the practice of
7 taxidermy or fur-tanning, as provided in the license, if the work samples meet
8 minimum professional standards, as determined by the Department.

9 (c) A taxidermist and fur-tanning license:

10 (1) Shall expire on June 30 following the date of issuance; and

11 (2) May be renewed by providing information on forms the Secretary
12 supplies and paying the [\$50] annual license fee.

13 4-212.

14 (A) Notwithstanding any other provision of this title, the Secretary may grant
15 certificates to any properly accredited person of known scientific attainment,
16 permitting him to collect fish, fish eggs, crustaceans, or mollusks for scientific
17 purposes only. To obtain a certificate the applicant shall submit proof of necessity and
18 pay TO THE DEPARTMENT a [\$25] fee [to the Department] ESTABLISHED BY THE
19 DEPARTMENT ON THE RECOMMENDATION OF THE FEE COMMISSION. The fee shall
20 be deposited to the credit of the State Fisheries Management and Protection Fund.
21 The certificate expires December 31 of the issuing year. On proof that the holder of
22 the certificate has captured or killed any fish, fish eggs, crustaceans, or mollusks for
23 other than scientific purposes, the certificate is void.

24 (B) Nothing contained within this subtitle shall preempt, restrict or supersede
25 the authority of the Secretary of Health and Mental Hygiene as provided by law.

26 4-216.

27 (a) The Department shall establish a resident consolidated senior sport
28 fishing license, to be issued to residents of Maryland beginning in the calendar year
29 in which they attain the age of 65.

30 (b) The resident consolidated senior sport fishing license may be obtained
31 from the Department or from any authorized agent of the Department. The
32 DEPARTMENT, ON THE RECOMMENDATION OF THE FEE COMMISSION, SHALL
33 ESTABLISH AN annual fee for the license [is \$5]. As compensation, an agent shall
34 retain 50 cents for each license issued.

1 4-604.

2 (c) Any person 16 years old or older shall secure an angler's license to fish in
3 the nontidal waters of the State. An angler's license entitles the holder to fish in the
4 nontidal waters of the State only during the open season.

5 (g) [(1) The following annual license fees shall apply:

6 (i) Resident..... \$10.50

7 (ii) Subject to paragraph (2)(ii) of this subsection, short-term
8 license valid for 5 consecutive days from date of issuance \$7.50

9 (iii) Resident and nonresident blind persons No fee

10 (iv) Complimentary license No fee

11 (2) For a nonresident:

12 (i) The fee for an annual angler's license is the greater of:

13 1. \$20.50; or

14 2. A fee equal to the fee charged a Maryland resident by the
15 nonresident's home state for a similar license; and

16 (ii) The fee for a short-term license valid for 5 consecutive days
17 from the date of issuance is the greater of:

18 1. \$7.50; or

19 2. A fee equal to the fee charged a Maryland resident by the
20 nonresident's home state for a license that permits an equal number of days of fishing
21 or the next higher number of days as permitted by the Maryland license.

22 (iii) The fee for a short-term license valid for 3 consecutive days
23 from the date of issuance is the greater of:

24 1. \$5; or

25 2. A fee equal to the fee charged a Maryland resident by the
26 nonresident's home state for a license that permits an equal number of days of fishing
27 or the next higher number of days as permitted by the Maryland license.]

28 (1) (I) BASED ON THE RECOMMENDATION OF THE FEE COMMISSION,
29 THE DEPARTMENT SHALL ESTABLISH FOR RESIDENTS:

30 1. ANNUAL LICENSE FEES; AND

31 2. SHORT-TERM LICENSE FEES, FOR LICENSES VALID FOR 5
32 CONSECUTIVE DAYS FROM THE DATE OF ISSUANCE.

1 (II) BASED ON THE RECOMMENDATION OF THE FEE COMMISSION,
2 THE DEPARTMENT SHALL ESTABLISH FOR NONRESIDENTS:

3 1. ANNUAL LICENSE FEES;

4 2. SHORT-TERM LICENSE FEES, FOR LICENSES VALID FOR 3
5 CONSECUTIVE DAYS FROM THE DATE OF ISSUANCE; AND

6 3. SHORT-TERM LICENSE FEES, FOR LICENSES VALID FOR 5
7 CONSECUTIVE DAYS FROM THE DATE OF ISSUANCE.

8 (III) THE DEPARTMENT MAY NOT CHARGE A LICENSE FEE:

9 1. TO A RESIDENT OR NONRESIDENT BLIND PERSON; OR

10 2. FOR A COMPLIMENTARY LICENSE.

11 (IV) THE FEES ESTABLISHED FOR NONRESIDENT LICENSES SHALL
12 BE:

13 1. FOR AN ANNUAL LICENSE, AT LEAST EQUAL TO THE FEE
14 CHARGED A MARYLAND RESIDENT BY THE NONRESIDENT'S HOME STATE FOR A
15 SIMILAR LICENSE; AND

16 2. FOR A 3-DAY OR 5-DAY SHORT-TERM LICENSE, AT LEAST
17 EQUAL TO THE FEE CHARGED A MARYLAND RESIDENT BY THE NONRESIDENT'S
18 HOME STATE FOR A LICENSE THAT ALLOWS AN EQUAL NUMBER OF DAYS OF FISHING
19 OR THE NEXT HIGHER NUMBER OF DAYS AS PERMITTED BY THE MARYLAND
20 LICENSE.

21 [(3)] (2) (i) All fees collected by the Department under this section
22 may only be used in accordance with § 4-208 of this title.

23 (ii) The Department shall publicly report annually the amounts
24 collected and the expenditures under this section.

25 4-609.

26 The Department or any authorized agent of the Department may issue a
27 duplicate angler's license for a fee [not exceeding \$1] ESTABLISHED BY THE
28 DEPARTMENT ON THE RECOMMENDATION OF THE FEE COMMISSION if a person
29 indicates that the angler's license is lost and is on record for previously purchasing an
30 angler's license.

31 4-614.

32 (a) (1) Except for a holder of a current resident consolidated senior sport
33 fishing license issued under § 4-216 of this title, a person 16 years old or older may
34 not fish in any special catch-and-return trout management area and may not possess
35 trout while fishing in nontidal waters unless the person first obtains a trout stamp in
36 addition to an angler's license. The stamp shall be obtained from any authorized

1 agent of the Department at a [cost of \$5] FEE ESTABLISHED BY THE DEPARTMENT
 2 ON THE RECOMMENDATION OF THE FEE COMMISSION. The Department may
 3 designate a person engaged in a retail business to sell the trout stamp as an agent
 4 under the Department's control and supervision. The trout stamps may be furnished
 5 to agents upon consignment if the Department is given adequate security to insure
 6 ultimate payment to the Department for the stamps.

7 (2) The Department may sell expired stamps below face value to the
 8 general public for a period of 3 years, after which time the Department shall shred
 9 any unsold stamps. All revenues derived from the sale of these stamps shall revert
 10 back to the game management fund.

11 (d) The Department or any authorized agent of the Department may issue a
 12 duplicate trout stamp for a fee [not exceeding \$1] ESTABLISHED BY THE
 13 DEPARTMENT ON THE RECOMMENDATION OF THE FEE COMMISSION if a person
 14 indicates that the trout stamp is lost and is on record for previously purchasing a
 15 trout stamp.

16 4-701.

17 (d) (1) The Department may issue no more than one authorization to a
 18 person to engage in each activity under paragraph (2)(i)1 and 2 of this subsection
 19 during a license year.

20 (2) (i) 1. On a tidal fish license, the Department may issue an
 21 authorization for any of the following activities for which the [indicated] ANNUAL
 22 LICENSE fee ESTABLISHED BY THE DEPARTMENT ON THE RECOMMENDATION OF
 23 THE FEE COMMISSION has been paid.

24 [(ii)] 2. The [following] annual fees for an authorization [shall]
 25 apply regardless of when the license is issued or an activity is authorized.

26 (II) THE DEPARTMENT MAY ISSUE AN AUTHORIZATION:

27 1. To provide services as:

28 A. A RESIDENT OR NONRESIDENT fishing guide in the tidal
 29 waters of Maryland [- \$50 for a resident and \$100 for a nonresident]; and

30 B. A master fishing guide[, in addition to the fee under item
 31 A of this item - \$50 per vessel];

32 2. To catch for sale fish with equipment which is legal under
 33 this title:

34 A. Finfish:

35 I. Hook and line only, anywhere[: \$37.50]; OR

36 II. All other equipment[: \$100];

- 1 B. Crabs:
- 2 I. Up to 50 pots, trotlines, nets, dip nets, traps, pounds, and
3 scrapes[: \$50]; OR
- 4 II. Over 50 pots, plus any other gear listed in item I of this
5 sub-sub-subparagraph[: \$150];
- 6 C. Clams [- \$100];
- 7 D. Oysters [- \$250] for a dredge boat and [\$50] for other
8 than a dredge boat;
- 9 E. Conch, turtles, and lobster [- \$50]; OR
- 10 F. For all activities in item 1 A of this subparagraph and in
11 items A through E of this item, unlimited tidal fish [- \$300];
- 12 3. For one or two crew members employed under § 4-814 of
13 this title to enable a licensee to catch crabs under subparagraph (ii)2 B II and F of this
14 paragraph with more than 300 pots, the licensee shall pay [\$20] A FEE ESTABLISHED
15 BY THE DEPARTMENT ON THE RECOMMENDATION OF THE FEE COMMISSION for each
16 crew member[.]; OR
- 17 4. Except for a licensee dealing in [his own] THE LICENSEE'S
18 catch, for a person to buy, process, pack, resell, market or otherwise deal in fish
19 caught in the tidal waters of Maryland, seafood dealer [- \$150].
- 20 (e) (1) To catch striped bass for sale:
- 21 (i) A licensee authorized under subsection (d)(2)(ii)2 A of this
22 section shall pay an annual surcharge [of \$200] ESTABLISHED BY THE DEPARTMENT
23 ON THE RECOMMENDATION OF THE FEE COMMISSION; or
- 24 (ii) A licensee authorized under subsection (d)(2)(ii)2 F of this
25 section shall pay with the license fee an annual surcharge [of \$100] ESTABLISHED BY
26 THE DEPARTMENT ON THE RECOMMENDATION OF THE FEE COMMISSION.
- 27 (2) A person may not catch oysters for sale without possessing a valid
28 license under this section and paying an annual surcharge [of \$300] ESTABLISHED
29 BY THE DEPARTMENT ON THE RECOMMENDATION OF THE FEE COMMISSION which
30 shall be used by the Department only for oyster repletion activities.
- 31 (3) In addition to the normal license fees imposed under subsection
32 (d)(2)(ii)2 and 4 of this section, a licensee shall pay to the Department an annual
33 surcharge [of \$10] ESTABLISHED BY THE DEPARTMENT ON THE RECOMMENDATION
34 OF THE FEE COMMISSION to be credited to the Seafood Marketing Office of the
35 Department of Agriculture to fund seafood marketing programs which have been
36 approved by the Department.

1 (4) (i) 1. In this paragraph, "fishing activities" means those
2 activities that are directly related to catching fish.

3 2. "Fishing activities" does not include the activities of
4 buying, selling, processing, transporting, exporting, or similarly dealing in fish.

5 (ii) 1. The Department shall assess annually on every
6 nonresident license applicant for the applicant's fishing activities under Subtitles 7,
7 8, and 9 of this title, in addition to the normal license fees imposed [by] UNDER this
8 subsection, a surcharge [which cumulatively for the license year, shall be the greater
9 of:

10 1. An amount equal to the difference between the total fees
11 charged to a Maryland resident engaged in like fishing activities in the state of
12 residence of the nonresident applicant and the total of normal license fees for fishing
13 activities in Maryland; or

14 2. \$350] ESTABLISHED BY THE DEPARTMENT ON THE
15 RECOMMENDATION OF THE FEE COMMISSION.

16 2. THE SURCHARGE ASSESSED UNDER THIS SUBPARAGRAPH
17 SHALL BE AT LEAST AN AMOUNT EQUAL TO THE DIFFERENCE BETWEEN THE TOTAL
18 FEES CHARGED TO A MARYLAND RESIDENT ENGAGED IN LIKE FISHING ACTIVITIES
19 IN THE STATE OF RESIDENCE OF THE NONRESIDENT APPLICANT AND THE TOTAL OF
20 NORMAL LICENSE FEES FOR FISHING ACTIVITIES IN MARYLAND.

21 (j) (1) Notwithstanding the qualification criteria for a license and
22 authorization to engage in an activity under this section, licensees may renew any
23 valid existing authorizations on their licenses annually.

24 (2) (i) Application to renew a tidal fish license shall be made not later
25 than August 31, or the next business day in the instance that the Department is not
26 open, for the following license year.

27 (ii) The Department may not accept application for renewal after
28 that date, as stated in subparagraph (i) of this paragraph unless:

29 1. Application is made by March 31, or the next business day
30 in the instance that the Department is not open, of the following license year;

31 2. The applicant shows good cause why application was not
32 made by August 31 of the previous license year; and

33 3. A late fee [of \$50] ESTABLISHED BY THE DEPARTMENT
34 ON THE RECOMMENDATION OF THE FEE COMMISSION is paid by the applicant in
35 addition to the license fee.

36 (o) (1) This subsection applies only to a person who, on April 1, 1997:

37 (i) Held a valid fishing guide license; and

- 1 (ii) Either:
- 2 1. Owned two or more vessels used to carry passengers for
- 3 fishing;
- 4 2. Owned or operated a federally licensed vessel of 50 tons or
- 5 more that was used to carry passengers for fishing; or
- 6 3. Owned or operated a marina from which 10 or more
- 7 vessels operate to carry passengers for fishing.

8 (2) A person who meets the requirements of paragraph (1) of this

9 subsection may obtain an annual master fishing guide license by:

10 (i) Filing an application on a form provided by the Department;

11 (ii) Supplying with the application proofs of ownership of the

12 required vessels; and

13 (iii) Paying the master fishing guide license fee [set forth in §

14 4-701(d)(2)(ii)1 of this title] ESTABLISHED BY THE DEPARTMENT ON THE

15 RECOMMENDATION OF THE FEE COMMISSION.

16 (3) A person holding a master fishing guide license may:

17 (i) Employ other persons to guide fishing parties on vessels owned

18 by the master fishing guide; and

19 (ii) Allow a person who holds a valid Coast Guard license to operate

20 a vessel to carry passengers for fishing from the marina owned or operated by the

21 master guide license holder authorized under paragraph (1)(ii)3 of this subsection as

22 follows:

- 23 1. One person for 10 vessels;
- 24 2. Two persons for 11 to 20 vessels;
- 25 3. Three persons for 21 to 30 vessels;
- 26 4. Four persons for 31 to 40 vessels;
- 27 5. Five persons for 41 to 50 vessels; and
- 28 6. Six persons for 51 or more vessels.

29 (4) (i) The Department shall issue a number of copies of the master

30 fishing guide license corresponding to the number of vessels owned or operated by the

31 master fishing guide, with each copy bearing the registration number of one of the

32 vessels.

1 (ii) The master fishing guide shall ensure that when a vessel is
2 operated, the appropriate copy of the license is on board.

3 (5) If a master fishing guide employs another person to operate a vessel
4 to carry passengers for fishing, for purposes of the license suspension criteria in
5 subsection (k) of this section, the master fishing guide shall be held responsible for
6 any violations committed by the person employed to operate the vessel.

7 4-745.

8 (a) (1) Except as provided in subsections (c) and (d) of this section, a person
9 may not fish for finfish in the Chesapeake Bay or in its tributaries up to tidal
10 boundaries without first obtaining a Chesapeake Bay sport fishing license.

11 (2) The license may be obtained from the Department or from any
12 authorized agent of the Department. [The following annual license fees shall apply:

- 13 (i) Resident..... \$9
- 14 (ii) Short term license valid for 5 consecutive days from date of
15 issue \$6
- 16 (iii) Nonresident \$14
- 17 (iv) Resident and nonresident blind persons No fee]

18 (3) Except for a license issued under subsection (d) of this section, every
19 Chesapeake Bay sport fishing license shall be valid for not more than 1 year and shall
20 expire on December 31.

21 (4) (I) BASED ON THE RECOMMENDATION OF THE FEE COMMISSION,
22 THE DEPARTMENT SHALL ESTABLISH:

- 23 1. ANNUAL LICENSE FEES FOR RESIDENTS AND
24 NONRESIDENTS; AND
- 25 2. 5-DAY SHORT-TERM LICENSE FEES.

26 (II) THE DEPARTMENT MAY NOT CHARGE A LICENSE FEE TO
27 RESIDENT OR NONRESIDENT BLIND PERSONS.

28 (d) (1) (I) The Department may provide by regulation for issuance of a
29 special charter boat license that would be valid for all individuals on a charter boat
30 operated by a licensed fishing guide. [The fee shall be:

- 31 (i) For 6 fishermen or less \$240.
- 32 (ii) For 7 or more fishermen \$290.]

1 (II) BASED ON THE RECOMMENDATION OF THE FEE COMMISSION,
2 THE DEPARTMENT SHALL ESTABLISH ANNUAL LICENSE FEES FOR SPECIAL
3 CHARTER BOAT LICENSES FOR CHARTERING:

4 1. SIX FISHERMEN OR FEWER; AND

5 2. AT LEAST SEVEN FISHERMEN.

6 (2) (i) The Department may provide by regulation for issuance of an
7 annual special Chesapeake Bay sport fishing license, which when permanently
8 affixed to a boat registered in any state shall authorize any person on the boat to fish
9 for finfish in the Chesapeake Bay or in its tributaries up to tidal boundaries, except
10 that such a license may not be used on a boat which has been hired to take such
11 persons fishing.

12 (ii) The annual fee for this special license shall be [\$40]
13 ESTABLISHED BY THE DEPARTMENT ON THE RECOMMENDATION OF THE FEE
14 COMMISSION.

15 (iii) If a boat owner purchases the special license under this
16 paragraph, the boat owner may fish anywhere in the Chesapeake Bay, whether the
17 boat owner is fishing in the owner's boat, in another person's boat, on land, or
18 elsewhere. The Department shall issue a complimentary Chesapeake Bay sport
19 fishing license to the boat owner who purchases a special license under this
20 paragraph. If a boat to which the special license is affixed has more than one owner,
21 then only the individual applicant who signs the application for the special license
22 shall be entitled to a complimentary Chesapeake Bay sport fishing license under this
23 paragraph.

24 4-803.

25 (a) The Department may adopt rules and regulations to effectuate the
26 following purposes:

27 (1) To restrict catching and possessing any blue crab;

28 (2) [The] TO PRESCRIBE methods by which crabs are taken;

29 (3) To close or open any specified area to catch crabs;

30 (4) To prohibit or restrict devices used to catch crabs;

31 (5) To establish seasons to catch crabs; and

32 (6) To establish minimum size limits for hard, soft, and peeler crabs.
33 [However, this section does not permit the Department to change existing license fees
34 for catching, picking, canning, packing, or shipping cooked hard or soft crabs or crab
35 meat; or for selling, or shipping live hard or soft crabs by barrel or crate. The
36 Department may set license fees on types of gear or equipment if not otherwise set by
37 law.]

1 4-1020.

2 (a) A separate permit shall be obtained for shipping each cargo, truckload, or
3 other consignment of oysters in the shell out of the State. An inspection tax [of 30
4 cents per bushel] ESTABLISHED BY THE DEPARTMENT ON THE RECOMMENDATION
5 OF THE FEE COMMISSION shall be levied upon marketable oysters shipped in the
6 shell to any place outside the State and shall be paid by the shipper. The tax imposed
7 by this subsection shall be levied in addition to every other tax imposed on oysters.

8 (b) A severance tax [of \$1 per bushel] ESTABLISHED BY THE DEPARTMENT
9 ON THE RECOMMENDATION OF THE FEE COMMISSION shall be levied upon every
10 bushel of oysters caught within the limits of the natural oyster bars of the State
11 exclusive of the Potomac River. The oyster buyer or receiver shall pay the tax to the
12 Department for deposit to the credit of the Fisheries Research and Development
13 Fund. This section does not prevent any person licensed to catch oysters in the State
14 from selling his oysters in the shell directly to a consumer in the State. If the
15 consumer is a licensed buyer of oysters, he shall assume the obligations placed by this
16 subsection on the first buyer of the oysters to remit the tax to the Department.
17 However, if the consumer is not a licensed buyer of oysters, the seller of oysters shall
18 assume this obligation.

19 4-1028.

20 Every hard-shell clam dealer shall pay a special tax [of 25 cents for each bag,
21 which shall contain no more than 105 hard-shell clams.] ESTABLISHED BY THE
22 DEPARTMENT ON THE RECOMMENDATION OF THE FEE COMMISSION on all clams
23 sold by the dealer. All taxes pursuant to this section shall be remitted to the
24 Department in accordance with its rules and regulations for deposit to the credit of
25 the Fisheries Research and Development Fund and shall be used solely to replenish
26 the hard-shell clam resources of the State.

27 4-1035.

28 A severance tax [of 50 cents per bushel] ESTABLISHED BY THE DEPARTMENT
29 ON THE RECOMMENDATION OF THE FEE COMMISSION shall be levied on all soft-shell
30 clams of all species *Mya arenaria* caught within the State. The tax shall be paid by
31 the buyer of clams at the place in the State where the clams are to be shipped in bulk
32 no further by vessel, or before clams are shipped out of the State by vessel. All taxes
33 pursuant to this section shall be remitted to the Department in accordance with its
34 rules and regulations for deposit to the credit of the Fisheries Research and
35 Development Fund and shall be used solely to replenish the soft-shell clam resources
36 of the State. A severance tax may not be levied on soft-shell clams of the species
37 Genus *Tagelus*.

38 4-11A-06.

39 (a) Any person wishing to lease submerged lands of the State shall apply to
40 the Department for a blank application form. The applicant shall indicate on the
41 application his place of residence, the estimated area of the submerged land for which
42 a lease is sought, and a detailed description of the location of the land. The applicant

1 prior to filing the application with the Department shall mark the area applied for
2 with at least one stake bearing his name.

3 (b) (1) [There is] BASED ON THE RECOMMENDATION OF THE FEE
4 COMMISSION, THE DEPARTMENT SHALL ESTABLISH an application fee [of \$300]. The
5 fee is not refundable and shall be used to pay for the Department's costs associated
6 with processing applications and recording leases.

7 (2) Upon receiving the application and [a \$300] THE APPLICATION fee,
8 the Department shall conduct a resource survey of the proposed lease site. The
9 Department shall deny a lease application without further action on the application if
10 the survey results indicate that the site is a natural clam or oyster bar as specified by
11 the criteria in the Department's regulations or this subtitle.

12 (3) If the results of the survey conducted under paragraph (2) of this
13 subsection do not indicate that the site is a natural clam or oyster bar, the
14 Department shall proceed with advertising the application once a week for 4
15 successive weeks in a newspaper published in the county or counties where the
16 proposed lease is to be located. The advertisement shall describe the location of the
17 area applied for, the location of the stake marker, and give the name and residence of
18 the applicant.

19 4-11A-09.

20 (a) A recording fee [of \$5] ESTABLISHED BY THE DEPARTMENT ON THE
21 RECOMMENDATION OF THE FEE COMMISSION shall accompany every application for
22 assignment or transfer of any interest acquired under this subtitle.

23 4-11A-13.

24 (a) A lessee may cultivate or remove oysters planted on his leased oyster
25 bottom in any manner he deems proper, if he complies with the provisions of this
26 subtitle relating to dredging and tonging when transplanting oysters or catching
27 them for commercial purposes.

28 (b) Each lessee shall keep accurate records concerning the seeding and
29 planting of cultch and oysters on, and the harvesting, and selling of oysters from his
30 leased oyster bottom. Each lessee shall report this information to the Department on
31 forms the Department prescribes.

32 (c) (1) In that water area in Somerset County of Pocomoke Sound and
33 Pocomoke River, east of Tull's Point, and Marumsco natural oyster bar eastward to
34 William's Point, a lessee may authorize a nonresident to take oysters by tong as
35 provided by this section.

36 (2) The nonresident shall:

37 (i) Exhibit the written authorization of the lessee to the
38 Department on demand;

1 (ii) Obtain a special permit to take oysters from the leased grounds
2 from the Department; and

3 (iii) Comply with the appropriate provisions of this article.

4 (3) The ANNUAL license fee shall be [\$25 a year] ESTABLISHED BY THE
5 DEPARTMENT ON THE RECOMMENDATION OF THE FEE COMMISSION, and these fees
6 shall be credited to the Fisheries Research and Development Fund of the Department.

7 (4) The license shall be restricted to the leased oyster ground under the
8 written authorization of the lessee.

9 (5) The Department may cancel the license at any time if cancellation is
10 for the benefit of:

11 (i) Conservation;

12 (ii) The proper cultivation of oysters; and

13 (iii) Residents of the State.

14 4-11A-14.

15 (a) To enable private planters more effectively to compete for seed oysters and
16 more economically produce oysters through cleaning of grounds, a person may dredge
17 by power boat on grounds he leases for cultivation of oysters in the Wicomico and
18 Nanticoke rivers in Wicomico County.

19 (b) Notwithstanding the licensing provisions in Subtitle 10 OF THIS TITLE, a
20 person desiring to dredge on leased grounds first shall obtain from the Department a
21 special permit for the dredge boat. [The] BASED ON THE RECOMMENDATION OF THE
22 FEE COMMISSION, THE DEPARTMENT SHALL ESTABLISH A fee for this special permit[
23 is \$15].

24 4-11A-19.

25 (a) Any person desiring to sell live bait in Montgomery, Frederick, or
26 Washington county shall apply to a person designated by the Department for a live
27 bait dealer's license. The application shall be in the form the Department prescribes,
28 and contain an affidavit signed by the applicant that he is a resident of the county.
29 Upon payment by the applicant of an annual fee [of \$10.50] ESTABLISHED BY THE
30 DEPARTMENT ON THE RECOMMENDATION OF THE FEE COMMISSION, the designated
31 person may issue a license supplied by the Department to the designated person. As
32 compensation for each bait dealer's license issued, the designated person shall retain
33 50 cents. Any money collected for license fees during a month shall be forwarded to
34 the Department on the first day of each succeeding month. The Department shall
35 account for the money to the State Treasurer.

1 4-11A-20.

2 (a) The Department may issue a permit authorizing a person to establish and
3 operate an artificial or man-made pond or lake which he owns, leases, or controls,
4 where fishing is permitted for payment of a fee, and in which fish stocked are
5 artificially propagated by commercial hatcheries, or purchased from persons licensed
6 to sell fish. The Department may issue the permit if it determines the lake or pond
7 does not conflict with any reasonable prior public interest. [The] BASED ON THE
8 RECOMMENDATION OF THE FEE COMMISSION, THE DEPARTMENT SHALL ESTABLISH
9 A permit fee[shall be \$25 a year] FOR THE PERMIT. The permit expires on December
10 31 following the date of issuance.

11 (b) The Department shall prescribe by regulation the size of the area, method
12 of fishing, open and closed seasons, and the catching of fish by furnishing tags for a
13 reasonable fee ESTABLISHED BY THE DEPARTMENT ON THE RECOMMENDATION OF
14 THE FEE COMMISSION. The Department also shall regulate the release, possession,
15 and use of legally propagated game and freshwater fish, and may require any report
16 necessary concerning the operation of these areas.

17 4-11A-21.

18 (a) A person may apply in writing to the Department for a permit to breed,
19 propagate, and sell any species of game and freshwater fish protected by law, in ponds
20 or lakes which he owns or leases. The Department, upon receipt of a permit fee [of
21 \$5] ESTABLISHED BY THE DEPARTMENT ON THE RECOMMENDATION OF THE FEE
22 COMMISSION, may issue to the applicant a breeder's license permitting him to hatch,
23 rear, transport, sell, barter or exchange any fish. A fish breeder's permit expires on
24 December 31 following the date of issuance.

25 5-416.

26 The Department may examine applicants for licensing as tree experts and pass
27 upon their competence.

28 5-419.

29 (a) (1) An applicant shall pay to the Department at the time of making his
30 application, a fee [of \$30] ESTABLISHED BY THE DEPARTMENT ON THE
31 RECOMMENDATION OF THE FEE COMMISSION.

32 (2) An applicant who fails any examination[,] shall pay an additional
33 fee [of \$20] ESTABLISHED BY THE DEPARTMENT ON THE RECOMMENDATION OF THE
34 FEE COMMISSION for each subsequent examination he takes.

35 (b) A tree expert license shall be renewed annually. A person who holds a
36 license and wishes to renew it shall pay [a \$10] AN annual renewal fee ESTABLISHED
37 BY THE DEPARTMENT ON THE RECOMMENDATION OF THE FEE COMMISSION.

38 (c) Fees the Department receives shall be paid into the State Treasury for the
39 Department's use. The Secretary shall prepare an annual report on the number of

1 licenses issued and the receipts and expenses under Part III of this subtitle during
2 each fiscal year.

3 5-1801.

4 (b) (1) The Department shall manage the development and operation of the
5 South Mountain Battlefield.

6 (2) The Department shall exercise the same powers of adopting
7 regulations and managing the Battlefield that:

8 (i) Are exercised by the Department for a State park; and

9 (ii) Are consistent with the historic significance of the Battlefield.

10 (3) (i) [The Department] BASED ON THE RECOMMENDATION OF THE
11 FEE COMMISSION, THE DEPARTMENT may set and charge fees based upon the
12 approximate cost of operating the Battlefield to cover the cost of operating the
13 Battlefield.

14 (ii) Any excess revenue at the end of a fiscal year shall be remitted
15 to the General Fund.

16 8-710.

17 (a) A manufacturer or dealer may not conduct his business in the State unless
18 licensed as a manufacturer or dealer pursuant to regulations the Department adopts.

19 (b) An out-of-state or foreign manufacturer or dealer shall be exempted from
20 licensing solely for purposes of displaying and selling vessels at a boat show, boat
21 exposition, or outdoor recreation show if:

22 (1) The show or exposition is 14 consecutive days or less duration,
23 admission taxes are paid on charges for admission to the show or exposition, and the
24 manufacturer or dealer does not principally own, control, or manage the show or
25 exposition;

26 (2) Prior to each show or exposition, the manufacturer or dealer shall
27 have registered for the show or exposition with the Department on forms supplied by
28 the Department and shall have paid the Department an annual registration fee [of
29 \$25] ESTABLISHED BY THE DEPARTMENT ON THE RECOMMENDATION OF THE FEE
30 COMMISSION; and

31 (3) Within 30 days after each show or exposition, the dealer or
32 manufacturer shall report to the Department on forms provided by the Department
33 all sales of vessels made at the show or exposition.

34 (c) (1) Application for a manufacturer's or dealer's license is made on the
35 form the Department prescribes and contains the name and address of the applicant.
36 If the applicant is a partnership, the application shall include the name and address

1 of each partner. If the applicant is a corporation, the application shall contain the
2 names of the principal officers of the corporation, the state of incorporation, the
3 addresses of every place where the business is conducted, the nature of the business,
4 and any other information the Department requires. Every application shall be
5 verified by oath or affirmation of the applicant if an individual, or by the partner or
6 officer if the applicant is a partnership or corporation. A license fee [fixed by the
7 Department not to exceed \$25] ESTABLISHED BY THE DEPARTMENT ON THE
8 RECOMMENDATION OF THE FEE COMMISSION shall accompany every application.

9 (2) Registration for purposes of displaying and selling vessels at a boat
10 show, boat exposition, or outdoor recreation show shall be made on forms the
11 Department prescribes and may require the same information and verification as for
12 application for a manufacturer's or dealer's license.

13 (3) The registration fee shall be deposited in the Boat Dealer Assurance
14 Fund provided for in § 8-710.2 of this subtitle up to the Fund's authorized maximum
15 amount. Amounts received in excess of the Fund's authorized maximum amount shall
16 be deposited and used in accordance with § 8-723 of this subtitle.

17 8-710.2.

18 (a) The Department may design temporary certificates of boat number and
19 furnish them to any licensed boat dealer who:

20 (1) Applies for at least 25 of the certificates on a form that the
21 Administration requires; and

22 (2) Submits the fee[, not to exceed \$1, set by the Department]
23 ESTABLISHED BY THE DEPARTMENT ON THE RECOMMENDATION OF THE FEE
24 COMMISSION for each certificate with the application.

25 8-712.

26 (b) The owner of any vessel to be numbered by this subtitle shall file an
27 application for a certificate of number with the Department. The application is on
28 forms the Department approves, accompanied by the requisite fee, and signed by
29 every vessel owner.

30 (c) (1) Certificates of number issued under this section shall be valid for a
31 period not to exceed 2 years. The owner of the vessel may apply every other year for
32 renewal of the certificate. The renewed certificate shall expire on December 31 of the
33 calendar year following the year the certificate is issued. [The] BASED ON THE
34 RECOMMENDATION OF THE FEE COMMISSION, THE DEPARTMENT SHALL ESTABLISH
35 A fee for a 2-year certificate for vessels[is \$24]. Vessels 16 feet in length or less and
36 equipped with a 7 ½ horsepower motor or less are exempt from this fee. [The] BASED
37 ON THE RECOMMENDATION OF THE FEE COMMISSION, THE DEPARTMENT SHALL
38 ESTABLISH A fee to replace a lost, destroyed, or corrected certificate[is \$2]. The
39 Department shall record any transaction or transfer of numbered boats. The
40 Department may record any amount of money owing on a vessel required to be
41 numbered at the time of sale. The Department may not effect a transfer of ownership

1 until the amount of money owed as shown on the records of the Department is fully
2 paid or recorded on the new title. Any vessel that is required to be numbered under
3 this section that is exempt prior to January 1, 1974 shall be exempt from payment of
4 this title tax.

5 (2) Emergency rescue boats and fire boats that belong to fire
6 departments or rescue squads in Maryland:

7 (i) Shall be exempt from all registration fees; but

8 (ii) Shall apply for a registration renewal every 3 years.

9 (f) [There is] BASED ON THE RECOMMENDATION OF THE FEE COMMISSION,
10 THE DEPARTMENT SHALL ESTABLISH a [\$5 service charge] SERVICE FEE for every
11 check returned unpaid.

12 8-712.1.

13 (a) (1) An owner of a vessel that has a valid document issued by the United
14 States Coast Guard and that is used principally on the waters of the State for
15 pleasure shall apply to the Department for a Maryland use sticker.

16 (2) The Department shall issue a Maryland use sticker to any person
17 who submits an application and pays a fee as required by subsection (b) of this
18 section.

19 (3) The Maryland use sticker issued under this section shall be valid for
20 a period not to exceed 2 years expiring on December 31 of the calendar year following
21 the year the sticker is issued.

22 (b) The owner of the vessel shall:

23 (1) Submit an application to the Department on the form that the
24 Department requires and be signed by every owner of the vessel; and

25 (2) Pay to the Department an application fee [of \$10] ESTABLISHED BY
26 THE DEPARTMENT ON THE RECOMMENDATION OF THE FEE COMMISSION for the
27 2-year sticker.

28 8-714.

29 (a) If a licensed dealer or manufacturer owns a vessel mainly used in the
30 dealer's or manufacturer's business and held for sale and that otherwise is required to
31 be numbered under this title, the dealer or manufacturer may apply to the
32 Department for the issuance of as many dealer's or manufacturer's certificates of
33 number as are required for the normal operation of business and as the Department
34 authorizes. A broker licensed as a dealer may not obtain manufacturer's or dealer's
35 certificates.

1 (c) Each application for the manufacturer's or dealer's certificates of number
2 shall be on forms the Department approves and be accompanied by a fee [of \$24]
3 ESTABLISHED BY THE DEPARTMENT ON THE RECOMMENDATION OF THE FEE
4 COMMISSION. The certificate of number issued under this section is valid for a period
5 not to exceed 2 years and shall expire on December 31 of the calendar year following
6 the year the certificate is issued.

7 8-716.

8 (b) The Department shall charge a [\$2] fee ESTABLISHED BY THE
9 DEPARTMENT ON THE RECOMMENDATION OF THE FEE COMMISSION to issue a
10 certificate of title, a transfer of title, or a duplicate or corrected certificate of title.

11 8-729.

12 (b) A security interest is perfected by the delivery to the Department of the
13 existing certificate of title, if any, and an application for certificate of title on a form
14 provided or approved by the Department containing information regarding the
15 security interest, and upon payment of a filing fee [of \$15] ESTABLISHED BY THE
16 DEPARTMENT ON THE RECOMMENDATION OF THE FEE COMMISSION. Four dollars of
17 this filing fee shall be treated as described in § 8-723 of this subtitle. The security
18 interest is perfected at the time of the delivery and payment.

19 8-737.

20 (a) A person may obtain a historical watercraft identification plaque from the
21 Department for a boat that is:

22 (1) 25 years old or older; and

23 (2) Powered by the boat's original type of power plant.

24 (b) (1) [The] BASED ON THE RECOMMENDATION OF THE FEE COMMISSION,
25 THE DEPARTMENT SHALL ESTABLISH A fee for a historical watercraft identification
26 plaque [is \$25].

27 (2) The identification plaque shall be valid for the life of the boat.

28 10-2A-06.1.

29 (c) There is a Birdwatcher's Fund.

30 (e) (1) [The] BASED ON THE RECOMMENDATION OF THE FEE COMMISSION,
31 THE DEPARTMENT SHALL ESTABLISH A fee for a birdwatcher's stamp or decal [is \$5].

32 10-301.

33 (f) (1) There shall be the following types of hunting licenses in the State:

34 (i) A resident hunting license that enables the purchaser to hunt
35 all legal game birds and mammals during any appropriate season in Maryland

1 without the purchase of additional stamps, unless the purchaser is hunting migratory
 2 game birds or deer during bow and arrow season or black powder season. To hunt
 3 migratory game birds the purchaser must also buy a Maryland migratory game bird
 4 stamp and to hunt wild waterfowl the purchaser must buy both a Maryland migratory
 5 game bird stamp and a federal migratory bird hunting and conservation stamp. To
 6 hunt deer during bow and arrow season and black powder season the purchaser must
 7 also purchase a bow and arrow or black powder stamp.

8 (ii) A nonresident hunting license that enables the purchaser to
 9 hunt all legal game birds and mammals during any appropriate season without the
 10 purchase of additional stamps unless the purchaser is hunting migratory game birds
 11 or deer during bow and arrow season or black powder season. This license enables the
 12 purchaser to hunt migratory game birds only with the purchase of a Maryland
 13 migratory game bird stamp and to hunt wild waterfowl only with the purchase of both
 14 a Maryland migratory game bird stamp and a federal migratory bird hunting and
 15 conservation stamp. This license enables the purchaser to hunt deer during bow and
 16 arrow season and black powder season only with the purchase of a nonresident bow
 17 and arrow or black powder stamp.

18 (iii) A nonresident 3-day hunting license that enables the purchaser
 19 to hunt all legal game birds and mammals except deer and turkey for the 3
 20 consecutive legal hunting days in a single season that are specified on the license by
 21 the issuing agent. The purchaser must also purchase a Maryland migratory game
 22 bird stamp to hunt migratory game birds and a federal migratory bird hunting and
 23 conservation stamp to hunt wild waterfowl with this license. Under no circumstance
 24 does this license authorize the purchaser to hunt deer and turkey.

25 (2) Residents may purchase a senior hunting license beginning in the
 26 calendar year in which they attain the age of 65.

27 (3) A nonresident of any age must purchase either a nonresident hunting
 28 license or a nonresident 3-day hunting license to hunt in the State.

29 (4) [The] BASED ON THE RECOMMENDATION OF THE FEE COMMISSION,
 30 THE DEPARTMENT SHALL ESTABLISH fees for hunting licenses [are according to the
 31 following schedule] IN THE FOLLOWING CATEGORIES:

32 (i) Resident, junior, under the age of 16 years [\$10.50];

33 (ii) Resident, regular, at least 16 years old and under the age of 65
 34 years [\$24.50];

35 (iii) Resident, senior, at least 65 years old [\$5.00];

36 (iv) [Except as provided in subparagraph (v) of this paragraph,
 37 nonresident] NONRESIDENT basic, WHICH FEE SHALL BE AT LEAST [\$130.00

38 (v) Nonresident basic hunting license, the greater of] the fee
 39 charged by the nonresident's home state for a similar basic hunting license [or the fee
 40 applicable to residents of the following states:

1 10-305.

2 If any person loses the person's hunter's license, the person may make affidavit
3 stating the date the license was issued, its number, description, and the name of the
4 designated person who issued the license. Upon receipt of this information the
5 Department may issue a duplicate hunting license for a [\$5] fee ESTABLISHED BY
6 THE DEPARTMENT ON THE RECOMMENDATION OF THE FEE COMMISSION.

7 10-308.1.

8 (b) (1) A person may obtain a Maryland migratory game bird stamp FROM
9 ANY PERSON DESIGNATED BY THE DEPARTMENT for a fee [of \$9.00 from any person
10 designated by the Department] ESTABLISHED BY THE DEPARTMENT ON THE
11 RECOMMENDATION OF THE FEE COMMISSION. The issuing person designated shall
12 retain the sum of 75 cents as compensation for issuing each stamp. The balance of the
13 fee is paid over and accounted for to the State Treasurer. The Treasurer shall credit
14 all such fees received to the State Wildlife Management and Protection Fund, in
15 accordance with § 10-209 of this title.

16 (2) The Department may sell expired stamps below face value to the
17 general public for a period of 3 years, after which time the Department shall shred
18 any unsold expired stamps. All revenues derived from the sale of these stamps shall
19 revert back to the Game Management Fund.

20 10-309.

21 (d) (1) To apply for a license as a master hunting guide, an applicant shall:

22 (i) Submit an application to any person designated by the
23 Department;

24 (ii) Furnish any information required by the Department on the
25 application, including the oath provided in subsection (e) of this section; and

26 (iii) Pay to the person designated to issue the master hunting guide
27 license a fee [of \$100] ESTABLISHED BY THE DEPARTMENT ON THE
28 RECOMMENDATION OF THE FEE COMMISSION.

29 (2) As compensation for issuing the license, the designated person shall
30 retain 25 cents of each [\$100] fee received under this section.

31 (3) On the first day of each month, the designated person shall send to
32 the Department the remainder of the fees received for master hunting guide licenses.

33 (h) (1) The term of a license as a master hunting guide is valid for a term of
34 1 year from August 1 through July 31 of each year.

35 (2) To renew a license as a master hunting guide, a licensee shall submit
36 an application and the [\$100] fee, as provided in subsection (d) of this section.

1 10-413.

2 (e) (1) The owner or custodian of a retriever dog shall obtain a permit from
3 the Department before the owner or custodian may shoot artificially reared game
4 birds for the purpose of training the dog. The permit is not required in order to shoot
5 game birds during an open season or on a licensed shooting preserve.

6 (2) Only the trainer of a retriever dog and not an assistant to the trainer
7 is required to obtain a permit under this subsection.

8 (3) On payment of [the \$5] A permit fee ESTABLISHED BY THE
9 DEPARTMENT ON THE RECOMMENDATION OF THE FEE COMMISSION, the
10 Department shall issue annually a permit to the owner or custodian of a retriever dog
11 to train the dog at any time of the year.

12 (4) A permittee under this subsection may, while training a retriever dog,
13 possess and shoot with a shotgun any artificially reared game bird that has been
14 liberated by hand and tagged before its use with an identification band provided by
15 the Department.

16 10-415.

17 (c) (1) A person with a hunting license also may purchase bonus deer
18 stamps from the Department.

19 (2) A bonus deer stamp allows a person with the hunting license to hunt
20 1 deer for each stamp purchased in any of the following hunting seasons for deer in
21 the State:

22 (i) Deer bow hunting season;

23 (ii) Deer muzzle loader season; and

24 (iii) Deer firearms season.

25 (3) An individual who purchases a bonus antlered deer stamp but does
26 not use it during a particular season may use that stamp during any subsequent
27 season in that hunting license year.

28 (4) [The] BASED ON THE RECOMMENDATION OF THE FEE COMMISSION,
29 THE DEPARTMENT SHALL ESTABLISH A RESIDENT AND A NONRESIDENT fee for each
30 bonus antlered deer stamp issued in accordance with this subsection [shall be \$10.00
31 for residents and \$25.00 for nonresidents].

32 (5) The Department may establish by regulation the type and number of
33 deer stamps issued under this subsection if necessary to control the deer harvest in
34 various areas of the State.

1 10-423.1.

2 (b) (1) There is a Black Bear Damage Reimbursement Fund in the
3 Department.

4 (2) The Fund consists of:

5 (i) Proceeds from the sale of a conservation bear stamp or decal
6 which may be purchased [at a cost of \$5] FOR A FEE ESTABLISHED BY THE
7 DEPARTMENT ON THE RECOMMENDATION OF THE FEE COMMISSION for each stamp
8 or decal; and

9 (ii) Gifts, grants, and contributions to the State that are designated
10 for inclusion in the Fund.

11 (3) The Fund is a continuing, nonlapsing special fund, and is not subject
12 to § 7-302 of the State Finance and Procurement Article.

13 (4) The State Treasurer shall hold and the State Comptroller shall
14 account for the Fund.

15 10-502.

16 (a) Any nonresident of the State who desires to trap furbearers, except otter or
17 beaver, first shall procure a nonresident trapper's license in addition to any other
18 license required. The license shall be issued only to residents of other states which
19 grant the same trapping privileges to Maryland residents.

20 (b) The license shall be:

21 (1) Issued for a [\$25.50] fee ESTABLISHED BY THE DEPARTMENT ON
22 THE RECOMMENDATION OF THE FEE COMMISSION [or a fee], WHICH FEE SHALL BE
23 AT LEAST equal to that charged by the nonresident's home state for a similar license[,
24 whichever is greater];

25 (2) Issued in accordance with the procedures for issuing nonresident
26 hunting licenses; and

27 (3) Effective for the same period as a hunter's license.

28 (c) In addition to the license fee, the designated person who sells and issues
29 the license may collect a processing fee equal to 10% of the license fee, and the
30 balance of the fee shall be paid and accounted for in the manner provided by § 10-209
31 of this title.

32 10-506.

33 (a) Subject to the exceptions of subsection (f) of this section, any person who
34 desires to buy, acquire, sell, transport, ship, or store at any time any fur or pelt of any
35 wild quadruped taken within or outside the State first shall obtain a fur dealer's
36 license from the Secretary.

1 (b) A person who has resided permanently in the State for a period of not less
2 than 6 months immediately preceding the time of application may obtain a resident
3 State fur dealer's license upon payment of a [\$50] fee ESTABLISHED BY THE
4 DEPARTMENT ON THE RECOMMENDATION OF THE FEE COMMISSION.

5 (c) A nonresident may obtain a nonresident fur dealer's license upon payment
6 of a [\$100] fee ESTABLISHED BY THE DEPARTMENT ON THE RECOMMENDATION OF
7 THE FEE COMMISSION.

8 10-512.

9 (b) (1) A person desiring a taxidermist and fur tanner's license shall:

10 (i) Apply on forms the Secretary supplies;

11 (ii) Pay [a \$50] AN annual license fee ESTABLISHED BY THE
12 DEPARTMENT ON THE RECOMMENDATION OF THE FEE COMMISSION;

13 (iii) Pass an examination administered by the Department; and

14 (iv) Provide recent work samples for examination by the
15 Department.

16 (2) Upon receipt of the application and license fee, and examination of
17 work samples, the Secretary may issue the license permitting the practice of
18 taxidermy or fur tanning, as provided in the license, if the applicant has passed the
19 examination and the work samples meet minimum professional standards, as
20 determined by the Department.

21 (c) A taxidermist and fur tanner's license:

22 (1) Shall expire on June 30 following the date of issuance; and

23 (2) May be renewed by providing information on forms the Secretary
24 supplies and paying the [\$50] annual license fee.

25 10-607.

26 (b) Riparian landowners may license their riparian shoreline:

27 (1) To establish offshore stationary blinds or blind sites for hunting wild
28 waterfowl; and

29 (2) To prevent other persons from licensing the riparian shoreline for the
30 purpose of hunting wild waterfowl offshore.

31 (h) (1) Riparian landowners, including government agencies, shall license
32 their shoreline annually in accordance with this section.

33 (2) An applicant for a license shall:

- 1 (i) Submit to the Department:
- 2 1. An application by mail prior to June 1 of each year on a
3 form provided by the Department;
- 4 2. A map showing the exact location of the shoreline to be
5 licensed and the exact location of the proposed offshore stationary blinds or blind
6 sites, if any;
- 7 3. The written permission of adjacent landowners if
8 necessary; and
- 9 4. The written lease or assignment of the riparian landowner
10 if necessary; and

11 (ii) Pay to the Department a fee [of \$20] ESTABLISHED BY THE
12 DEPARTMENT ON THE RECOMMENDATION OF THE FEE COMMISSION.

13 (3) A unit of government is exempt from the application fee required
14 under paragraph (2) of this subsection.

15 (j) Before the license expires, the licensee may renew the license for an
16 additional 1-year term, if the licensee:

- 17 (1) Is otherwise entitled to be licensed;
- 18 (2) Pays to the Department a renewal fee [of \$20] ESTABLISHED BY THE
19 DEPARTMENT ON THE RECOMMENDATION OF THE FEE COMMISSION; and
- 20 (3) Submits to the Department a renewal application on the form that
21 the Department requires.

22 10-608.

23 (a) A Maryland resident or a person who owns riparian property in Maryland,
24 regardless of State residency, may apply to the Department to license riparian
25 shoreline for the purpose of establishing an offshore blind site.

26 (b) An applicant for a license shall:

- 27 (1) Submit to the Department:
- 28 (i) An application on a form provided by the Department; and
- 29 (ii) A signed statement that:
- 30 1. The location of the blind site is at least 125 yards from all
31 other previously licensed riparian shoreline; and
- 32 2. The offshore blind site complies with all other pertinent
33 laws and regulations; and

1 (2) Pay to the Department an application fee [of \$20] ESTABLISHED BY
2 THE DEPARTMENT ON THE RECOMMENDATION OF THE FEE COMMISSION for each
3 license requested.

4 10-902.

5 (a) Any person desiring to possess, import, export, breed, raise, protect,
6 rehabilitate, hunt, kill, trap, capture, purchase, or sell any wildlife, native to
7 Maryland, shall first obtain a permit or license from the Department.

8 (b) The Secretary shall establish by regulation:

9 (1) The types and classes of permits and licenses which shall be issued;

10 (2) The species of wildlife exempt from the permit and license
11 requirement;

12 (3) Sanitary housing or any other conditions which are necessary for the
13 humane, safe, and healthy possession of wildlife;

14 (4) Conditions under which captive wildlife may be hunted or released to
15 the wild; and

16 (5) Recordkeeping requirements.

17 (c) The Secretary shall charge a reasonable fee, BASED ON THE
18 RECOMMENDATION OF THE FEE COMMISSION, for each permit or license.

19 10-905.

20 (a) (1) On payment of a reasonable fee ESTABLISHED BY THE DEPARTMENT
21 ON THE RECOMMENDATION OF THE FEE COMMISSION, the Secretary may issue a
22 game husbandry license to any person who desires to raise, breed, protect, or sell
23 game birds or mammals.

24 (2) The license shall expire on December 31 after the date of issuance
25 and may be revoked at any time for noncompliance with the license's terms and
26 conditions.

27 (3) The license shall specify:

28 (i) The species of game birds and mammals which may be bred,
29 raised, protected, or sold and for what purpose;

30 (ii) The type of fencing or other requirements necessary to prevent
31 undesirable mixing of native wildlife and the captive game birds or mammals; and

32 (iii) Any other condition necessary to ensure adequate protection of
33 native wildlife.

1 10-906.

2 (a) Any person desiring to establish and operate a regulated shooting ground
3 shall first obtain a permit from the Department.

4 (b) (1) The Department may issue a regulated shooting ground permit on
5 payment of a reasonable fee ESTABLISHED BY THE DEPARTMENT ON THE
6 RECOMMENDATION OF THE FEE COMMISSION and after determining that the
7 establishment and operation of [it] THE REGULATED SHOOTING GROUND does not
8 conflict with any reasonable prior public interest.

9 (2) The Department may not issue a new permit for a regulated shooting
10 ground to an existing permit holder unless the report required under subsection (c) (2)
11 of this section has been filed.

12 (3) (i) As part of the application for a regulated shooting ground
13 permit, a person may apply to the Department for authorization to allow hunting on
14 Sunday as provided under § 10-410(a)(2)(iii) of this title.

15 (ii) The Department shall ensure that all requirements and
16 conditions of applicable law and regulations are met and that issuance of the
17 authorization will not have an adverse impact on the conservation of native game
18 species or to the public interest.

19 10-907.

20 (a) Any person desiring to take alive, possess, train, fly, and hunt with falcons,
21 hawks, or owls shall first obtain a falconry permit from the Secretary.

22 (b) The Secretary may issue a falconry permit, on the payment of a reasonable
23 fee ESTABLISHED BY THE DEPARTMENT ON THE RECOMMENDATION OF THE FEE
24 COMMISSION, to any properly accredited person who:

25 (1) Is at least 14 years old;

26 (2) Has demonstrated adequate knowledge and training in the care and
27 handling of birds of prey; and

28 (3) Possesses facilities demonstrated to be of sufficient design and size to
29 properly maintain the permitted wildlife in captivity.

30 (c) The Secretary may adopt regulations governing the issuance, revocation,
31 terms, and conditions of the permit.

32 (d) The birds authorized under this permit shall be used only for the sport of
33 hunting game birds or mammals during the open season.

34 10-908.

35 (a) Any properly accredited person desiring to assist the Department in the
36 control of wildlife injurious to agriculture or other interests, or to provide care and

1 treatment of sick or injured wildlife for rehabilitation and release back to the wild,
2 shall first obtain a wildlife cooperator permit from the Secretary.

3 (b) (1) The Secretary may issue a wildlife cooperator permit, on the payment
4 of a reasonable fee ESTABLISHED BY THE DEPARTMENT ON THE RECOMMENDATION
5 OF THE FEE COMMISSION, to a person who:

6 (i) Has adequate training in the capture, handling, and care of
7 wildlife; and

8 (ii) Owns or leases facilities demonstrated to be of sufficient size
9 and design to properly maintain the permitted wildlife in captivity.

10 (2) The Secretary may adopt regulations governing the issuance,
11 revocation, terms, and conditions of the permit.

12 (c) The Secretary may designate in the permit the species and numbers of
13 wildlife authorized to be possessed and the disposition of the wildlife.

14 10-909.

15 (a) Any properly accredited person of known scientific attainment desiring to
16 collect wildlife, nests, or eggs from the wild for scientific or educational purposes shall
17 first obtain a scientific collection permit from the Secretary.

18 (b) The Secretary may issue a scientific [collecting] COLLECTION permit, on
19 the payment of a reasonable fee ESTABLISHED BY THE DEPARTMENT ON THE
20 RECOMMENDATION OF THE FEE COMMISSION, to any properly accredited person who
21 has demonstrated a legitimate scientific or educational need for the requested
22 wildlife.

23 10-1003.

24 (a) Each application for a license to feed waterfowl shall be submitted in the
25 form and number of copies as the Secretary prescribes. The submitted application
26 shall show the name and address of each applicant and each owner, or each lessor and
27 lessee if the property is leased. The submitted application shall contain a sufficient
28 description of the property and its location so that the property may readily be
29 identified and located.

30 (b) Each copy shall be accompanied by a sketch map showing the exterior
31 boundaries, access roads, principal ponds, creeks, and other bodies of water in
32 sufficient detail to identify and clearly record the location of the proposed feeding
33 zones and shooting blinds or stands.

34 (c) (1) Each application shall be accompanied by [a \$10] AN application fee
35 ESTABLISHED BY THE DEPARTMENT ON THE RECOMMENDATION OF THE FEE
36 COMMISSION.

1 (2) An annual fee [of \$25] ESTABLISHED BY THE DEPARTMENT ON THE
2 RECOMMENDATION OF THE FEE COMMISSION shall be imposed for each licensed
3 shooting area.

4 (d) The application shall contain a statement outlining the general plan of
5 feeding to be carried out.

6 (e) Applications shall be filed with the Department within 2 weeks after the
7 Department has publicly released the waterfowl hunting regulations for the
8 forthcoming season.

9 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
10 take effect October 1, 2005.

11 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in
12 Section 3 of this Act, this Act shall take effect October 1, 2004.